REMARKS

The rejections presented in the Office Action dated June 29, 2004 have been considered. Claims 1-20 remain pending in the application. Reconsideration and allowance of the application are respectfully requested.

The Office Action notes that in claims 1-10, abbreviations for "EFTPOS" and "DPS" are not defined. However, the preamble of claim 1 clearly sets out the definitions of these acronyms. Thus, no amendment is thought to be necessary.

The Office Action does not show that claims 1-9, 11-14, and 17-20 are anticipated under 35 USC §102(e) by US patent number 6,304,915 to Nguyen et al (hereinafter "Nguyen"). The rejection is respectfully traversed because the Office Action fails to show that all the limitations of the claims are taught by Nguyen.

The claim limitations relate to communicating between an EFTPOS terminal arrangement and a data processing system. In claim 1 the limitations include receiving at the terminal arrangement a data set that includes an address identifier associated with an EFTPOS terminal in the terminal arrangement. The terminal arrangement converts the address identifier to an EFTPOS address of the EFTPOS terminal in the terminal arrangement. The data set may then be directed to the EFTPOS terminal referenced by the EFTPOS address. This addressing indirection as applied to the EFTPOS terminals provides control over those external DPSs allowed to communicate with the EFTPOS terminals (spec. p. 14, ll. 6-10). This control may be desirable because EFTPOS terminals are used to communicate with the DPSs of financial institutions, and in some applications it may be desirable to allow DPSs of other entities (e.g., product and service vendors) to also communicate with the EFTPOS terminals. The address conversion provides control over which external DPSs are allowed to address the EFTPOS terminals. The cited portions of Nguyen neither teach nor suggest the claim limitations.

For example, the Office Action is somehow interpreting Nguyen's col. 57, l. 53 – col. 58, l. 44 as teaching the limitations of converting the address identifier from a data set received by an external DPS to the EFTPOS address assigned to an EFTPOS terminal in response to receiving the data set from the external DPS. However, this section describes Nguyen determining whether a sending VPOS has transmitted an authentic message (col. 57, l. 56-59). The described contents of the message include a logon ID, password, and date and time (col. 58, ll. 22-28). Thus, not only is Nguyen's message not received from an external

DPS, but the message received does not contain any address that is converted to an EFTPOS terminal address as claimed. Further explanation of specific elements of Nguyen thought to correspond to specific claim limitations is respectfully requested if the rejection is maintained.

The Office Action further cites Nguyen's FIG. 56B, #5654 as teaching the limitations of receiving from an external DPS a first data set with an address identifier of an EFTPOS. Nguyen's describes a terminal identifier in a request for authorization or sale (col. 94, ll. 37-41). However, Nguyen's disclosure deals with secure transmission of data from a customer computer system to a merchant computer system and from a merchant computer system to a payment gateway (Abstract). Nguyen's request is apparently received from a VPOS. Thus, there is no apparent description, nor has any particular teaching been cited, of processing a data set received from an external DPS.

The Office Action does not show that Nguyen teaches receiving a data set with an address identifier. However, assuming for discussion purposes that the cited teaching of Nguyen teaches these limitations, the Office Action is further deficient because there is no showing made that Nguyen converts this terminal ID into an EFTPOS terminal address as claimed. The other cited teachings of Nguyen (col. 57, l. 53 – col. 58, l. 44) have no apparent relevance to converting a terminal ID.

The Nguyen reference is further inapplicable because the claim limitations clearly set out that the process relates to an EFTPOS terminal and terminal arrangement. However, the cited teachings of Nguyen are in the context of a virtual point of sale (VPOS) terminal, not an EFTPOS (col. 24, ll. 13-19; FIG. 17; FIG. 22).

For at least the reasons set forth above, the Office Action fails to show that Nguyen anticipates claim 1.

The Office Action does not show that Nguyen teaches the further limitations of claim 2 of encoding the address identifier to further include a DPS address identifier for the external DPS, wherein the DPS address identifier is used for transmitting the data set from the EFTPOS terminal to the external DPS. The Office Action cites Nguyen's col. 76, ll. 35-50 and col. 56, ll. 44-67. However, neither of these cited sections makes any apparent reference to the an address of an external DPS being included in an encoding of an address identifier that references an EFTPOS. Furthermore, these sections make no apparent reference to Nguyen's terminal ID being used with the DPS address, as would be expected since the

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Office Action apparently relies on Nguyen's terminal ID as teaching the claimed address identifier. Thus, the Office Action does not show that claim 2 is anticipated by Nguyen.

The Office Action fails to show that Nguyen anticipates claim 3, which includes limitations of transmitting a second data set from the EFTPOS terminal via non-payment application of the EFTPOS terminal arrangement to the external DPS in response to receipt of the first data set; and converting the EFTPOS address to the address identifier via the non-payment application of the EFTPOS terminal arrangement and transmitting the second data set to the external DPS. As explained above, the Office Action does not show that Nguyen receives the claimed data set from an external DPS. Thus, there is no cited teaching of transmitting a second data set form the EFTPOS terminal to the external DPS in response to the first data set. Furthermore, the Office Action does not show that Nguyen teaches the claimed address conversion as described above. Claim 3 also includes limitations of the sending of the second data set via a non-payment application of the EFTPOS terminal arrangement. Nguyen appears to discuss only payment applications. Thus, this further limitation is not shown to be taught by Nguyen.

Claim 4 depends from claim 1, and the Office Action does not show that claim 4 is anticipated by Nguyen for at least the reasons set forth above.

Claim 5 is an apparatus claim. For limitations in claim 5 that are similar to those in claim 1, the Office Action does not show that Nguyen teaches the limitations of claim 5. Furthermore, claim 5 is in means-plus-function format, and the Office Action fails to recite structure from the current specification thought to be taught by elements of Nguyen. Thus, if the rejection is maintained, the required explanation of the relied upon structures and corresponding elements is respectfully requested.

Claim 6 is an apparatus claim that depends from claim 5, and the Office Action fails to show that claim 6 is anticipated for the reasons set forth above for claim 5. In addition, the limitations that are similar to those of claim 3 are not shown to be taught by Nguyen.

Claim 7 includes a proxy server that is configured to receive sets of data from the vendor application via the non-secure channel and transmit the data sets to selected ones of the EFTPOS terminals, and configured to receive payment requests from the EFTPOS terminals and transmit the payment requests to the financial application via the secure channel. The Office Action does not recognize these limitations in alleging that Nguyen anticipates claim 7. The claim limitations clearly indicate that the proxy server receives sets of data via a non-secure channel and transmits the data sets to the EFTPOS terminals.

However, the cited portions of Nguyen appear to show that a gateway receives requests *from* VPOSs and transmits the requests *to a host* (FIG. 22. Thus, Nguyen clearly does not show receiving the data sets from a vendor application and then transmitting the data sets to the EFTPOSs.

Claims 8 and 9 include a proxy server that is configured to perform operations as described above for claim 1. Thus, the Office Action does not show that claims 8 and 9 are anticipated by Nguyen.

The Office Action does not show that Nguyen anticipates claim 11 for the reasons set forth above for claims 1 and 7.

As to claims 12, 13, and 14, the proxy server is configured to process data according to various limitations of claim 1. Thus, the Office Action does not show that claims 12-14 are anticipated for the reasons set forth above.

Claim 17 includes limitations of at least one of the plurality of terminals further comprising an interface module that is configured and arranged to facilitate wireless communications between a mobile communications device and the proxy server. However, none of the cited portions of Nguyen (Abstract, FIG. 23, col. 76, l. 5 – col. 77, l. 64) appear to teach or suggest an interface module in a terminal to facilitate wireless communications. Therefore, the Office Action does not show that claim 17 is anticipated. If the rejection is maintained, a citation to relevant teachings of Nguyen is respectfully requested.

As to claim 18, the limitations include the proxy server being configured and arranged to host one or more payment applications for accessing the financial application of the DPS of the financial institution via the first secure channel, the proxy server is further configured to host one or more non-payment applications for accessing the vendor application of the DPS of the vendor, wherein the payment and non-payment applications of the proxy server are reconfigurable to change the transmission and reception of data sets within the EFTPOS system. The Office Action apparently relies upon Nguyen's gateway as meeting the limitations of the claimed proxy server. However, there is no apparent teaching that Nguyen's gateway hosts any non-payment applications as claimed. Thus, claim 18 is not shown to be anticipated by Nguyen.

As to claims 19 and 20, the Office Action does not establish that Nguyen anticipates claims 19 and 20 for the reasons set forth above for claims 1, 7, and 11 and the various dependent claims.

The Office Action fails to show that claims 10, 15-16 are obvious under 35 USC §103(a) Nguyen. The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references, fails to provide a proper motivation for modifying the teachings of Nguyen, and fails to show that the modification could be made with a reasonable likelihood of success.

It is respectfully noted that Nguyen is thought to not qualify as prior art under 35 USC §103(c). The present application was filed on May 7, 2001, and the present application and Nguyen were, at the time the invention of the present application was made, owned by Hewlett-Packard Company. However, it is also noted that Nguyen is a continuation application of 08/721,167, which is now patent number 5,931,917. Thus, the §103 rejection is presumed to be based on 5,931,917, also referenced as "Nguyen".

The Examiner takes Official Notice that "wire-less communications is well known ... to allow digital cellular phones and other wireless devices to access Internet and other information services." The Examiner uses the example of a wireless system connected to a central office using a Panasonic switch as the interface and EZ Pass wireless communication interface with the computer server. Applicants respectfully request documentary evidence of such prior art so that the allegation may be more specifically considered. Specifically, sufficient context of the alleged usage of wireless technology must be provided in order to provide Applicants a reasonable basis to consider their claims in view of the alleged prior art.

The alleged motivation for modifying Nguyen is conclusory and improper. The alleged motivation states that "it would have been obvious ... to modify the disclosure of Nguyen and add wireless network capability to allow communication between a computer and another computer or device without wires using Wireless Application protocol (WAP) and use of radio frequencies such as wireless LAN (WLAN)." This alleged motivation is nothing more than a conclusion. The Office Action fails to offer any prior art evidence of any type of system being configured with an interface module for facilitating wireless communications between a wireless device and an EFTPOS system. The apparent reasoning of the Office Action is that since wireless technology is prior art, any combination claim involving wireless technology is obvious. If accepted, this reasoning would effectively make every application of wireless technology obvious. However, evidence of a motivation to combine references is required, and the Office Action fails to provide such evidence. The alleged motivation lacks supporting evidence and is therefore improper.

The rejection of claims 10, and 15-16 over Nguyen should be withdrawn because the Office Action fails to show all the limitations are suggested by Nguyen, fails to provide a proper motivation for modifying Nguyen, and fails to show that the modification could be made with a reasonable likelihood of success.

No amendment to the claims is thought to be necessary in view of Nguyen or the additional cited patents, 6,041,041, 6,415,341, 5,745,576, and 6,145,079. None of the limitations of claims 1-20 as discussed above appear to be suggested by these references.

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Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above.

Respectfully submitted,

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